IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

: O R D E R :

M/s Hindustan Engineering Company Vs. Union of India & Another
(S.B. Civil Writ Petition No.187/2004)

DATE OF ORDER : May 03, 2007

P R E S E N T

Hon'ble Mr. Justice Gopal Krishan Vyas

Mr. Suresh Shrimali for the petitioner.
Mr. Kamal Dave for the respondents.

BY THE COURT :

Under the threat given by the respondent Railway for removing the construction within 10 days by way of sending notice dated 28.02.2003 the petitioner preferred suit for permanent injunction before the Civil Judge (Jr. Dn.) (West), Bhilwara. Alongwith the suit, the petitioner filed application under Order 39 Rules 1 and 2, C.P.C. Vide order dated 04.03.2003 the learned trial Court allowed the temporary injunction application and directed that during the pendency of the suit both the parties shall maintain status quo in respect of the said portion of the disputed land. Further, it is ordered that for the remaining land, the petitioner will be free to use the same.

Against order dated 04.03.2003, the respondents preferred appeal which was allowed by the appellate Court vide the impugned

order dated 05.12.2003. The petitioner is challenging the validity of the said order by way of filing the present writ petition.

In this writ petition while issuing notice on 16.01.2004, the order for maintaining status quo was passed by this Court and, since 16.01.2004, the said order is in existence.

In view of the above, while maintaining order passed by this Court for status quo the learned trial Court is directed to decide the issue of jurisdiction first within a period of six months, thereafter, to proceed with the matter further.

With aforesaid direction, the writ petition is disposed of.

(Gopal Krishan Vyas) J.